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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,214

02/22/2002

Roger D.A. Lipman

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05/30/2006

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EXAMINER

GHALI, ISIS A D

ART UNIT

PAPER NUMBER

1615

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,214

Applicant(s)

LIPMAN, ROGER D.A.

Examiner

Isis Ghali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The receipt is acknowledged of appeal brief filed 03/16/2006.

The finality of the previous Office action is hereby withdrawn. New office action on the merit is issued as follows:

Claims 1-5 and 7-16 are pending and included in the prosecution.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,231,369 ('369) in view of US 5,714,45 ('445).

US '369 teaches an adhesive sealing material for use in connection to ostomy devices composed of continuous rubber phase and hydrocolloid dispersed in the continuous phase, i.e. forming discontinuous phase (abstract; col.4, lines 30-31, 55-60). Example O, Table III, shows that the styrene copolymer "Cariflex" forms 10.9% of the

composition, and polyisobutylene forms 18.1 % of the composition, which read on the instantly claimed amounts because claim 4 recites up to 50% polyisobutylene and claim 5 recites up to 15% of styrene polymer. The hydrocolloid is a mixture of more than one hydrocolloid in an amount ranges from 48-56 % (col.8, lines 52-54; Example O, Table III). The composition further comprises oils, medicaments, or bactericides (col.6, lines 33, 45-47). The composition is supplied by release liner, i.e. substrate (col.9, lines 1-2).

The reference does not teach cyclodextrin among the hydrocolloids and its amount, or the material of the substrate as claimed in claim 15.

US '445 teaches absorbent article that minimizes odor caused from body fluid through the incorporation of cyclodextrin in the absorbent articles (abstract). Cyclodextrin forms from 12-20 wt % of the absorbent layer (examples 1, 6, 7). The article further comprises perfumes complexed with cyclodextrin to be released when the cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence (col.2, lines 18-30; col.3, lines 20-22). The absorbent article has backing sheet that is prevent body fluid from escaping from the article, i.e. water-proof (col.13, lines 40-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to deliver an adhesive composition useful for ostomy devices comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising more than one hydrocolloid as disclosed by US '369, and add cyclodextrin complexed with perfumes to the hydrocolloid phase, or replace one of the hydrocolloids by cyclodextrin complexed with perfumes and also provide water-proof backing to the

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ostomy device as disclosed by US '445, motivated by the teaching of US '445 that cyclodextrin minimizes odor caused from body fluid and when cyclodextrin is complexed with perfumes, the perfumes are released when cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence, with reasonable expectation of having adhesive composition for ostomy devices comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising cyclodextrin complexed with perfumes with minimal odor from the body stoma and "scent signal" signifying removal of the bad odor providing self confidence to the user, as well as a water-proof backing that protects against escape of fluid from the ostomy device.

3. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,367,732 ('732) in view of US '445.

US '732 teaches a skin barrier comprises an adhesive layer comprising discontinuous hydrocolloid phase dispersed in a continuous phase comprising styrene copolymers and polyisobutylene (abstract; col.5, lines 24-26, 49; col.6, lines 35-36; col.8, lines 31-42, 62-64). The adhesive composition further comprises bacteriostatic or fungicidal agents (col.6, line 59). The hydrocolloid phase comprises at least one hydrocolloid, and forms 10-55% of the composition of the adhesive layer (col.8, lines 53-55; col.9, lines 22-23). The styrene copolymer forms 10-40% of the continuous phase (col.9, line 16). The skin barrier further comprises a non-adhesive, water impervious film secured to the adhesive layer (col.3, lines 54-56).

The reference does not teach cyclodextrin among the hydrocolloids.

US '445 teaches absorbent article that minimizes odor caused from body fluid through the incorporation of cyclodextrin in the absorbent articles (abstract). Cyclodextrin forms from 12-20 wt % of the absorbent layer (examples 1, 6, 7). The article further comprises perfumes complexed with cyclodextrin to be released when the cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence (col.2, lines 18-30; col.3, lines 20-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to deliver a composition for adhesive barrier comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising more than one hydrocolloid as disclosed by US '732, and add cyclodextrin complexed with perfumes to the hydrocolloid phase, or replace one of the hydrocolloids by cyclodextrin complexed with perfumes as disclosed by US '445, motivated by the teaching of US '445 that cyclodextrin minimizes odor caused from body fluid and when cyclodextrin is complexed with perfumes, the perfumes are released when cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence, with reasonable expectation of having composition for adhesive barriers comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising cyclodextrin complexed with perfumes with minimal odor from the body fluid and "scent signal" signifying removal of the bad odor providing self-confidence to the user.

4. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/14282 ('282) in view of US '445.

WO '282 teaches a pressure sensitive adhesive material comprising continuous phase of rubber comprising styrene copolymer and polyisobutylene; and a discontinuous phase comprising hydrocolloid (abstract). The discontinuous phase forms 15-70 wt % of the composition (page 11, first paragraph). The styrene copolymer forms 10-30 wt % of the composition, and the polyisobutylene forms 20-60 wt % of the composition (page 15, claims 1-4). Examples 1 and 2, page 13, shows that the composition comprising more than one hydrocolloid. The composition comprises bactericides (page 11, third paragraph). The adhesive composition is coated on non-adhesive waterproof film and used in adhesive barrier or dressing for medical use (page 16, claim 13).

The reference does not teach cyclodextrin among the hydrocolloids.

US '445 teaches absorbent article that minimizes odor caused from body fluid through the incorporation of cyclodextrin in the absorbent articles (abstract). Cyclodextrin forms from 12-20 wt % of the absorbent layer (examples 1, 6, 7). The article further comprises perfumes complexed with cyclodextrin to be released when the cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence (col.2, lines 18-30; col.3, lines 20-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to deliver an adhesive barrier or dressing for medical use comprising composition comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising more than one hydrocolloid as disclosed by WO '282, and add cyclodextrin complexed with perfumes to the hydrocolloid phase, or replace one of the hydrocolloids by cyclodextrin complexed with perfumes as disclosed by US '445, motivated by the teaching of US '445 that cyclodextrin minimizes odor caused from body fluid and when cyclodextrin is complexed with perfumes, the perfumes are released when cyclodextrin absorbs the odorous molecules so that the perfumes provide "scent signal" signifies the removal of the bad odor so consumer can feel great self confidence, with reasonable expectation of having adhesive barrier or medical dressing comprising continuous rubbery phase and discontinuous hydrocolloid phase comprising cyclodextrin complexed with perfumes with minimal odor from the body fluid or wound exudates and "scent signal" signifying removal of the bad odor providing self-confidence to the user.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isis Ghali whose telephone number is (571) 272-0595. The examiner can normally be reached on Monday-Thursday, 7:00 to 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isis Ghali
Examiner
Art Unit 1615


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